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4 BILL NO. R-79-10-16 (as amended)

5 RESOLUTION NO. R- 63-79

6 A RESOLUTION IN SUPPORT OF PETITION
7 TO AMEND RULES GOVERNING TERMINATION
8 OF SERVICE BY GAS AND ELECTRIC
9 UTILITIES SUBJECT TO PUBLIC SERVICE
10 COMMISSION OF INDIANA JURISDICTION
11 AND TO AMEND OTHER RELATED RULES
12 GOVERNING SUCH ISSUES AS NOTICE TO
13 CUSTOMERS OF TERMINATION RIGHTS AND
14 OF APPEAL RIGHTS AND TO PROVIDE FOR
15 THE PERIOD PERSONS HAVE TO PAY THEIR
16 UTILITY BILLS BEFORE SUCH BILLS BECOME
17 DELINQUENT

18 WHEREAS, Citizens Action Coalition along with one
19 hundred fifteen (115) other organizations throughout the State
20 and other Common Councils have supported a Petition to the Public
21 Service Commission of Indiana regarding changes in rules by said
22 Public Service Commission of Indiana governing the termination of
23 service by gas and electric utilities subject to Commission jurisdiction;
24 and,

25 WHEREAS, said above mentioned organizations also seek
26 by Petition to amend other related rules governing such issues as
27 notice to customers of termination rights, of appeal rights, and the
28 periods persons have to pay their utility bills before such bills become
29 delinquent; and,

30 WHEREAS, the public interest requires the protection
31 of the following proposed rule changes and addition to rules will
32 provide, particularly during the coldest months or days of the year
33 during which time service terminations are particularly dangerous
34 to health, particularly to the elderly and the handicapped; and,

35 WHEREAS, the Public Utility Regulatory Practices Act
of 1978 gives clear direction to the Public Service Commission of
Indiana on termination policy and the terms of the Act require that
the Public Service Commission hold full hearings on questions of
service terminations and information that is provided to utility customers
in order to determine what needs there are in these matters that
are not being adequately met by existing rules and regulations.

NOW THEREFORE BE IT RESOLVED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE:

Said petitioners request that a rule making procedure
be initiated in the above matter, that full public hearings be held

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5 in Indianapolis or other locations in the State that the Public Service
6 Commission may consider to be appropriate, in order to ascertain
7 the need for changes in electric and gas utility rules and further
8 that the Commission incorporate the following proposals into the official
9 rules and regulations of the Commission:

10 A. Because most elderly and handicapped persons and
11 others on various forms of Public Assistance, receive
12 their checks monthly, the Commission should increase
13 from 17 to 30 the number of days from the time a bill
14 is mailed until the time it becomes delinquent, and should
15 increase from 7 to 15 the number of days from the time
16 that a notice of delinquency is mailed until the time that
17 a disconnection can be made.

18 B. Disconnections of residential gas and electric customers
19 should be prohibited on days when the temperature drops
20 below freezing (32 °F.) or during days when the average
21 temperature for the proceeding 7 days has been below
22 freezing.

23 C. Utilities should be required to send separate notices
24 to delinquent customers, in a standard form prescribed
25 by the Commission, which notify them of impending disconnection
26 in simple, easily understood language, which include
27 an explicit explanation in common language of customers
28 rights for medical and financial hardship delays of disconnection
29 and of a customer's appeal rights, and which notify customers
30 of appropriate social service or assistance agencies to
31 whom they can apply for energy assistance funds.

32 D. The person designated by the utility to perform the
33 disconnection should make every attempt to make personal
34 contact with the consumer prior to disconnection and
35 may be authorized to accept payment of delinquent accounts
as an alternative to disconnection.

That the Public Service Commission of Indiana:

(1) Amend its rules regarding termination of service by electric
and gas utilities to reflect the proposals made in this petition, forthwith.

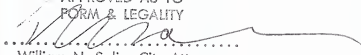
(2) Hold Public Hearings in Indianapolis and such other cities
as the Commission deems appropriate to take evidence and testimony
from utility consumers, utility representatives, and other interested
parties relative to the subjects of the adequacy of the Commissions
existing rules, the adequacy of existing utility practices pursuant

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5 to those rules, and the needs for possible changes, no later than
6 three weeks after the appropriate notice period of this matter in the
7 Indiana Register.

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9 (3) Grant other such further relief as the Commission may deem
10 just and proper.

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Vivian G. Schmidt
Councilwoman

APPROVED AS TO
FORM & LEGALITY


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William N. Salin, City Attorney

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3 BILL NO. R-79-10- 16
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5 A RESOLUTION IN SUPPORT OF PETITION
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7 OF SERVICE BY GAS AND ELECTRIC
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14 THE PERIOD PERSONS HAVE TO PAY THEIR
15 UTILITY BILLS BEFORE SUCH BILLS BECOME
16 DELINQUENT.

17 WHEREAS, Citizens Action Coalition along with one hundred
18 fifteen (115) other organizations throughout the State and other
19 Common Councils have supported a Petition to the Public Service
20 Commission of Indiana regarding changes in rules by said
21 Public Service Commission of Indiana governing the termination
22 of service by gas and electric utilities subject to Commission
23 jurisdiction; and,

24 WHEREAS, said above mentioned organizations also seek by
25 Petition to amend other related rules governing such issues
26 as notice to customers of termination rights, of appeal rights,
27 and the periods persons have to pay their utility bills before
28 such bills become delinquent; and,

29 WHEREAS, from the presentation as made to the Common Council
30 of the City of Fort Wayne by Citizens Action Coalition, it would
31 appear that the existing rules and regulations are unreasonable
32 and that they are discriminatory in their application to persons
33 of limited means, to the elderly and the handicapped and that
34 they are insufficient to protect the public interest which
35 requires that human life not be endangered by disconnection of
utility services; and,

WHEREAS, the public interest requires the protection of the
following proposed rule changes and addition to rules will
provide, particularly during the coldest months or days of the
year during which time service terminations are particularly

1 dangerous to health, particularly to the elderly and the handi-
2 capped; and,

3 WHEREAS, the Public Utility Regulatory Practices Act of 1978
4 gives clear direction to the Public Service Commission of Indiana
5 on termination policy and the terms of the Act require that the
6 Public Service Commission hold full hearings on questions of
7 service terminations and information that is provided to utility
8 customers in order to determine what needs there are in these
9 matters that are not being adequately met by existing rules and
10 regulations.

11 NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE
12 CITY OF FORT WAYNE:

13 Said petitioners request that a rule making procedure be
14 initiated in the above matter, that full public hearings be
15 held in Indianapolis or other locations in the State that the
16 Public Service Commission may consider to be appropriate, in order
17 to ascertain the need for changes in electric and gas utility
18 rules and further that the Commission incorporate the following
19 proposals into the official rules and regulations of the Com-
20 mission:

21 A. Because most elderly and handicapped persons and
22 others on various forms of Public Assistance, re-
23 ceive their checks monthly, the Commission should
24 increase from 17 to 30 the number of days from the
25 time a bill is mailed until the time it becomes
26 delinquent, and should increase from 7 to 15 the
27 number of days from the time that a notice of
28 delinquency is mailed until the time that a
29 disconnection can be made.

30 B. Disconnections of residential gas and electric
31 customers should be prohibited on days when the
32 temperature drops below freezing (32° F.) or
33 during days when the average temperature for the
34 proceeding 7 days has been below freezing.

with amendments 10/9/79

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A RESOLUTION IN SUPPORT OF PETITION
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30 B. Disconnections of residential gas and electric
31 customers should be prohibited on days when the
32 temperature drops below freezing (32° F.) or
33 during days when the average temperature for the
34 proceeding 7 days has been below freezing.

1 C. Utilities should be required to send separate
2 notices to delinquent customers, in a standard
3 form prescribed by the Commission, which notify
4 them of impending disconnection in simple, easily
5 understood language, which include an explicit
6 explanation in common language of customers
7 rights for medical and financial hardship delays
8 of disconnection and of a customer's appeal rights,
9 and which notify customers of appropriate social
10 service or assistance agencies to whom they can
11 apply for energy assistance funds.

12 D. The person designated by the utility to perform
13 the disconnection should be required to make per-
14 sonal contact with the consumer prior to discon-
15 nection and should be authorized to accept payment
16 of delinquent accounts as an alternative to dis-
17 connection.

18 That the Public Service Commission of Indiana:

19 (1) Amend its rules regarding termination of service
20 by electric and gas utilities to reflect the proposals made
21 in this petition, forthwith.

22 (2) Hold Public Hearings in Indianapolis and such other cities
23 as the Commission deems appropriate to take evidence and testimony
24 from utility consumers, utility representatives, and other
25 interested parties relative to the subjects of the adequacy
26 of the Commissions existing rules, the adequacy of existing
27 utility practices pursuant to those rules, and the needs for
28 possible changes, no later than three weeks after the appropriate
29 notice period of this matter in the Indiana Register.

30 (3) Grant other such further relief as the Commission
31 may deem just and proper.

32 
33 Councilwoman - Vivian G. Schmidt

34 Paul M. Burns-Councilman

Samuel J. Talarico-Councilman

35 John Nuckols-Councilman

Donald J. Schmidt-Councilman

William T. Hinga Councilman

Fredrick R. Hunter-Councilman

Winfield C. Moses-Councilman

James S. Stier-Councilman

Approved as to form and legality this 8th day of October, 1979.


John H. Logan, Attorney for Common Council.

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33 Council Person-Vivian Schmidt

34 Paul M. Burns-Councilman

Samuel J. Talarico-Councilman

35 John Nuchols-Councilman

Donald J. Schmidt-Councilman

William T. Hinga Councilman

Fredrick R. Hunter-Councilman

Winfield C. Moses-Councilman

James S. Stier-Councilman

Approved as to form and legality this 8th day of October, 1979.


John H. Logan, Attorney for Common Council

Read the first time in full and on motion by _____, seconded by _____

_____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by O. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-9-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~ ~~(APPROPRIATION)~~ ORDINANCE (RESOLUTION) No B-63-79 on the 9th day of October, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winfield C. Wingo JR
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 18 day of October, 1979, at the hour of 10 o'clock _____ M., E.S.T.

Robert H. Hinchey
MAYOR